

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR, et al)
)
)
v.) C.A. No. 00-105L
)
THE PALESTINIAN AUTHORITY, et al)
)

DEFENDANTS' MOTION FOR A FURTHER ENLARGEMENT OF TIME

Defendants the Palestinian Authority (PA) and the Palestine Liberation Organization (PLO) respectfully move for a 14-day enlargement of their time to respond to the amended complaint, from Tuesday, November 13 to Tuesday, November 27, 2001, to permit necessary further consultation with senior Palestinian officials, and in support of this motion state as follows.

1. Recent events have unexpectedly created an immediate need for further consideration and review by defendants of their response to the amended complaint, which was filed on August 23, 2001. Defendants' time to respond to the amended complaint was previously enlarged from September 10 to November 13, 2001 on defendants' motion. The time being requested is reasonably needed for necessary consultation with senior Palestinian officials.
2. This action arises from the death of an American citizen who was allegedly fatally shot in an attack by Hamas members while driving in Israel in June 1996.
3. The substance of the claims of international terrorism alleged against the PA and the PLO in this action concern relationships, if any, with Hamas. The amended complaint charges that the PA failed to control Hamas, to declare Hamas illegal and shut down its operations and to arrest Hamas members and turn them over to Israel at Israel's request. It further charges that the PA wrongfully supported Hamas, by providing quarters for Hamas' operations and by making payments to support families of Hamas members who were killed or imprisoned.

4. At the annual meeting of the United Nations General Assembly attended by many heads of government in New York City last week, President Bush, Secretary of State Powell, U.S. national security advisor Condoleezza Rice and President Arafat all addressed issues of the future of Palestine, terrorism in the Middle East and beyond, placing new attention on Hamas.

5. As a single illustration of media attention given to these issues, President Arafat's speech to the General Assembly was reported in a front page article in The New York Times on Monday, November 12, 2001, copy attached. The article demonstrates the present political sensitivity of issues related to peace, terrorism, the future of a Palestinian State and that Hamas has a crucial present-day significance.

The article refers to "President Bush's public endorsement of Palestine as a state" but refers specifically to Hamas, though the administration had previously excluded it from "its lists of targets," i.e. as an organization to be curbed, and expected Palestine to support this effort.

6. The PA's response to the amended complaint will deal necessarily with the position of the PA toward Hamas over recent years and will include a request for certification of an interlocutory appeal. The request will describe in a way that needs to be decided, the PA's position toward Hamas in recent years in order to present the importance of the case as a factor supporting the request for certification of an appeal.

7. In view of the current importance that is being attached by the U.S. administration to the PA's current position toward Hamas, the political volatility of the issue and the present international climate concerning terrorism generally, defendants' response to the amended complaint must be reviewed by its officials to prevent harm to the ongoing peace process. Further review by senior Palestinian officials of the PA's response is therefore needed to make sure the statement of the PA's position and policies toward Hamas is accurate and will not become a political issue in the peace negotiations.

8. We have informed counsel for plaintiffs of this application. He asked us to advise the Court that he declines to consent to the motion.

WHEREFORE, defendants respectfully request that their time for response be further enlarged for 14 days as requested herein.

Dated: November 13, 2001

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2001, I mailed a copy of the within Defendants' Motion for a Further Enlargement of Time by first class mail, postage prepaid, to David J. Strachman, Esq., Skolnik, McIntyre & Tate Esqs., Ltd., Suite 400, 321 South Main Street, Providence, RI 02903 and Nitsana Darshan-Leitner, 28 Emek Ayalon Street, Modi'in 71770, Israel.

